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June 9, 2008

**VIA E-FILING AND MAIL**

The Honorable Joseph J. Farnan, Jr.  
 United States District Court for the District of Delaware  
 844 North King Street  
 Room 4209  
 Wilmington, DE 19801

**Re: Ronald Warne v. Home of the Merciful Rest Society  
 d/b/a/ Kentmere Nursing Care Center  
 Our File No.: 21256-00834  
 C.A. No.: 07-832 JJF**

Dear Judge Farnan:

On May 21, 2008, on behalf of the defense, I filed a motion to dismiss this action under Del. L.R. 41.1 for failure to prosecute because Plaintiff did not respond to the defense motion pending for over three months under Fed.R.Civ.P. 12(b)(6). Other than the initial filing of the Complaint, there has been no activity in this case by Plaintiff.

The time for Plaintiff's response for the Rule 41.1 motion expired last week and again plaintiff has failed to submit a response to our papers. Defendant respectfully submits that this case is now ripe for dismissal and requests that the Court dismiss the above-captioned action.

Respectfully submitted,

/s/ Judith M. Kinney

Judith M. Kinney, Esquire

JMK/hr

cc: Herbert G. Feuerhake, Esquire (via e-file and mail)  
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